THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 6281 of 2007

Date:29-03-2007

Between:

M/s. Kalpana Restaurant & Bar,Adilabad
PETITIONER

AND

The Prohibition & Excise Superintendent,Adilabad

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RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondent in collecting the licence fee in respect of 2-B bar licence granted on 18.11.2006 for the period prior to grant of licence i.e. from 01.10.2006 to 30.06.2007.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Excise.

3. It is stated that the excise year 2006-07 commencing from 01.10.2006 and ends by 30.06.2007. It is stated that bar licence has been granted only on 18.11.2006 and therefore the respondent is not entitled to collect the licence fee from 1.10.2006 to17.11.2006. It is further stated that the issue raised in this writ petition is squarely covered by the judgment of this Court in W.P.No.23415 of 2006, dated 25.04.2006 which was also confirmed by the Division Bench of this Court in W.A.No.686 of 2006, dated 19.06.2006.

4. Having regard to the facts of the case, the writ petition is disposed of granting liberty to the petitioner to make an appropriate representation before the respondents for the refund of the proportionate licence fee. If any such representation is made, the same shall be considered in terms of the orders of this Court in W.P.No.23415 of 2006, dated 25.04.2006 and pass appropriate orders in accordance with law within four weeks from the date of receipt of such representation. No costs.

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V.ESWARAIAH, J.

Date:29.03.2007
CCM